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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/891,481
Applicants : Narula et al.
Filing Date : 06/26/2001
TC/A.U. : 3743
Examiner : Camtu T. Nguyen

Attorney Docket No. : ZL469/01001
Title : Wound Covering Pressure Relief Pads

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TECHNOLOGY CENTER R3700

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

ADMENDMENT

Sir:

In response to the Office Action mailed April 30, 2004, requiring the applicant to elect a species under 35 U.S.C. 121, please note that the above-identified applicant requests the species election and related amendments as follows (details are provided on the noted pages):

Election of Species (further comments on page 2 of this paper): Applicant elects to prosecute the third species as shown in Figures 5 – 7.

Amendments to the Specification: No amendments are being made to the specification at this time.

Amendments to the Claims (further comments beginning on page 3 of this paper): The original Claims 14 – 30 are cancelled from the application. The original Claims 1 – 13 remain in the application for consideration.

Amendments to the Drawings: No amendments are being made to the drawings at this time.

Other Comments: The cancellation of Claims 14 – 30 does not alter the list of inventors for this application.

Election of Species

The Examiner claims that the application contains claims directed to the following patentably distinct species of the claimed invention: the first species as shown in Figures 1 – 4, the second species as shown in Figures 5 – 7, the third species as shown in Figures 8 – 11, the fourth species as shown in Figures 12 – 13.

Applicant hereby elects to restrict prosecution on the merits to the second species as shown in Figures 5 – 7, without traverse, if no generic claim is finally held to be allowable.

Along with the election of the second species as shown in Figures 5 – 7, applicant identifies original Claims 1 – 13 as being readable on this species. Applicant reserves the right to continue prosecution of the claims not deemed to be readable on this species, *i.e.* Claims 14 – 30, in a divisional application.

Applicant contends that the Claims 1 – 13 are also readable on the embodiments of the first species as shown in Figures 1 – 4. Applicant contends that the only difference between the second species and the first species is precisely how the shell and platform are made. In the embodiment of the first species, the shell is a single molded piece of material and similarly the platform is a single molded piece of material, such as may be produced in a pre-cut die or mold or by injection molding. In the embodiment of the second species, the shell and the platform are each composed of a plurality of layers of material each new layer being sized to lay upon the preceding layer so as to ultimately form the completed shell, such as may be used to produce a prototype of the embodiment of the first species for evaluation before expending the capital necessary for manufacturing dies or molds. For one skilled in the art of polymer molding, the embodiments of the first species and the second species would not be patentably distinct species, and applicant respectfully requests that the Examiner remove this distinction.

Applicant also contends that the Claims 1 – 13 are also readable on the embodiments of the third species as shown in Figures 8 – 11. Applicant contends that the only difference between the second species and the third species is the specific contour of the shell. The embodiment of the second species as shown in Figures 5 – 7 is designed to be used on a patient's foot, whereas the embodiments of the third species as shown in Figures 8 – 11D are designed to be used on a patient's elbow, under the patient's head, on the patient's back or hip. Contouring a medical product to fit to different body parts is known by those skilled in the art. For example, one can purchase an elastic bandage designed to fit over the knee or one designed to fit over the elbow or one designed to fit over the wrist, and while the cut of the bandage might differ the underlying technology of the elastic bandage remains constant between these designs. Thus, applicant respectfully requests that the Examiner remove the distinction between the second species and the third species.